

DECEMBER 15, 2005
CITY COUNCIL MINUTES

City Council Minutes

The Round Rock City Council met Regular Session on Thursday, December 15, 2005, in the City Council Chamber, 221 E. Main Street.

CALL REGULAR SESSION TO ORDER – 7:00 P.M.

PLEDGE OF ALLEGIANCE:

Mayor Maxwell asked Boy Scout Troop No. 27 to lead the Pledge of Allegiance.

ROLL CALL: Those members present were Mayor Nyle Maxwell, Mayor Pro-tem Alan McGraw arrived at item 9C3, Councilmember Rufus Honeycutt, Councilmember Joe Clifford, Councilmember Carlos T. Salinas, and Councilmember Scott Rhode. Also present were City Manager Jim Nuse and City Attorney Steve Sheets.

CITIZENS COMMUNICATIONS: None

PRESENTATIONS:

5.A.1. Consider a presentation regarding current status of the Development Review Committee progress. Jim Nuse, City Manager gave a brief history regarding the City's Development Review and purpose of the committee. He added that the Chamber of Commerce organized a Development Review Committee as a follow-up to the Development Process Survey conducted in March. The Committee has members from all aspects of development including owners, developers, architects, engineers and City staff representatives. The Committee has met for the last several months to discuss the results of the survey and other opportunities for improvement in the development process. The committee organized into three working groups: Policy, Process, & Communication/Customer Service. This report is to update the City Council on the progress and accomplishments of the Committee.

Jon Sloan made the presentation regarding the Timeline of Activity.

Blake Magee made the presentation regarding the Policy Subcommittee.

Bob Wunsch made the presentation regarding the Process Issue Subcommittee.

John Moman made the presentation regarding the Communication/Customer Service Issues Subcommittee.

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Joe Vining summarized the presentations and noted that a recommendation would be provided to the Council when a good solution has been finalized.

5.B.1. Consider a presentation on the City's Executive Development Program. Jim Nuse, City Manager made the staff presentation. Recognizing the need to mentor and encourage promising leaders in the organization, an Executive Development Program was established. Initially designed by Alysha Girard based on other successful programs in the state, the City's program included four candidates and four mentors. The candidates met 3-4 times a month over a ten-month period, visiting departments and reading and discussing books about leadership. Departmental visits included discussions on challenges facing the departments in addition to presentations on the function of each department. Candidates also attended Friday morning Mayor Briefings and Department Head meetings as well as Council and Department Head staff retreats. The candidates were involved in other outside activities, such as the Police Ride-Along program.

Mayor Maxwell presented the graduates with a plaque that states "the graduate has successfully completed the Executive Development Program, which promotes leadership and excellence while exposing promising professionals to executive-level responsibilities and overall City operations." The first graduates for this program are Alysha Girard, Rick White, Rick Atkins, and David Smith. Mentors included Dale Ricklefs, Jim Stendebach, Tom Clark and Joe Vining.

5.B.2. Consider a presentation on TML and Risk Manager's Liability Insurance Equity Return. Hassan Farhat, Safety/Risk Manager introduced Linda Dunbar of the Texas Municipal League. Ms. Dunbar thanked the Council and staff for their successful efforts in controlling losses. She added that based on the City's 43.00% loss ratio, the City was eligible to receive an equity return of \$42,173 from the Liability Fund. This return is in keeping with the Pool's long-standing policy of sharing the benefits of favorable financial results with its members.

6.A.1. Consider public testimony regarding the 2004-2005 Consolidated Annual Performance Evaluation Report (CAPER). Mona Ryan, Community Development Coordinator made the staff presentation. The CAPER is a performance report on how the City used Community Development Block Grant funds during the year. This report is required by the Department of

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Housing and Urban Development and is due at HUD by the end of the calendar year. The report (1) provides accountability to the public by describing successes in meeting objectives stipulated in the Five Year Consolidated Plan; (2) provides information necessary for HUD's Annual Report to Congress; and (3) provides necessary information for HUD to meet its statutory requirement to assess Round Rock's ability to carry out relevant programs in compliance with all applicable rules and regulations. The public comment period for this report was November 21 through December 9, 2005. A public notice appeared in the Round Rock Leader on November 10, 2005.

Mayor Maxwell opened the public hearing. There being no testimony, the public hearing was closed.

7. CONSENT AGENDA:

The following items were considered routine by the City Council and were enacted by one motion. There was no separate discussion on any of these items and no items were removed from the consent agenda.

*8.A.1. Consider an ordinance authorizing the placement of stop signs at various intersections in the Eagle Ridge Subdivision, Section 14, Phases 1, 2, 3, 4 & 5. (Second Reading)

*8.A.2. Consider an ordinance authorizing the placement of stop signs at various intersections in the Shadow Pointe Subdivision, Phases 1 & 2. (Second Reading)

*9.A.1. Consider a resolution authorizing the Mayor to execute Change Order No. 2 to the Contract with H. Deck Construction Co. for the Round Rock West Street Improvements Project.

*9.B.1. Consider a resolution authorizing the Mayor to execute the necessary grant application to the Texas State Library & Archives Commission for a Lone Star Library Grant.

*9.D.1. Consider a resolution authorizing the Mayor to execute an Agreement for Sale of Bulk Mulch with WKP Enterprises dba Austin Landscape Supplies.

*9.F.4. Consider a resolution authorizing the Mayor to execute a Community Development Block Grant Agreement with Round Rock Housing Authority for low income housing program activities for \$1,500.

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*9.F.5. Consider a resolution authorizing the Mayor to execute a Community Development Block Grant Agreement with Round Rock Housing Authority for playground improvements at the Lance Haven facility for \$4,000.

MOTION: Councilmember Honeycutt moved to approve all the items on the consent agenda. Councilmember Rhode seconded the motion.

VOTE:

Ayes:	Councilmember Honeycutt
	Councilmember Clifford
	Councilmember Salinas
	Councilmember Rhode
	Mayor Maxwell
Nays:	None
Absent:	Mayor Pro-tem McGraw

ACTION: The motion carried unanimously.

*8.A.1. Consider an ordinance authorizing the placement of stop signs at various intersections in the Eagle Ridge Subdivision, Section 14, Phases 1, 2, 3, 4 & 5. (Second Reading)

This item was approved under the consent agenda. Stop signs will be located on Rams Horn Way at Eagles Nest Street, Bull Horn Loop at Rams Horn Way, Longhorn Trail at Eagles Nest Street (West intersection), Longhorn Trail at Eagles Nest Street (East intersection), Short Horn Lane at Bull Horn Loop, Short Horn Cove at Short Horn Lane, and Short Horn Lane at Red Stage Place, Red Stage Place at Rams Horn Way, Longhorn Trail at Rams Horn Way, and Rams Horn Way at Longhorn Trail.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE TRAFFIC CODE BY DESIGNATING THE FOLLOWING INTERSECTIONS IN THE EAGLE RIDGE SUBDIVISION, SECTION 14, PHASES 1-5 AS STOP INTERSECTIONS: RAMS HORN WAY AT EAGLES NEST STREET, BULL HORN LOOP AT RAMS HORN WAY, LONGHORN TRAIL AT EAGLES NEST STREET, SHORT HORN LANE AT BULL HORN LOOP, SHORT HORN COVE AT SHORT HORN LANE, SHORT HORN LANE AT RED STAGE PLACE, RED STAGE PLACE AT RAMS HORN WAY, LONGHORN TRAIL AT RAMS HORN WAY, AND RAMS HORN WAY AT LONGHORN TRAIL; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

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*8.A.2. Consider an ordinance authorizing the placement of stop signs at various intersections in the Shadow Pointe Subdivision, Phases 1 & 2. (Second Reading) This item was approved under the consent agenda. Stop signs will be located Henna Way at Double Creek Drive, Henna Way at Clary Sage Loop, Irish Moss Trail at Clary Sage Loop (northbound and southbound), Clary Sage Loop at Clary Sage Loop, Clary Sage Loop at Sundrop Place.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE TRAFFIC CODE BY DESIGNATING THE FOLLOWING INTERSECTIONS IN THE SHADOW POINTE SUBDIVISION, PHASES 1 & 2 AS STOP INTERSECTIONS: HENNA WAY AT DOUBLE CREEK DRIVE, HENNA WAY AT CLARY SAGE LOOP, IRISH MOSS TRAIL AT CLARY SAGE LOOP, CLARY SAGE LOOP AT CLARY SAGE LOOP, AND CLARY SAGE LOOP AT SUNDROP PLACE; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

8.B.1. Consider an ordinance denying Atmos Energy Corporations request for the Gas Reliability Infrastructure Program (GRIP) Adjustment within the City of Round Rock. (First Reading) David Kautz, Assistant City Manager made the staff presentation. On September 19, 2005, Atmos Energy filed its 2004 Gas Reliability Infrastructure Program (GRIP) filing with the City and other cities in the service area. The rate increase would generate \$22.75 million from customers with residential customers paying an additional 29 cents per month and commercial customers an additional 97 cents. The 2004 adjustment is in addition to the surcharge for 2003 of a similar amount. The City suspended the rate increase request until January 2, 2006 to allow time to obtain more information. After researching the issue, the City's consultants have determined that the GRIP adjustments are not appropriate and recommended that the increase be denied. It is expected the rate increase will be appealed to the Texas Railroad Commission by Atmos Energy.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ROUND ROCK, TEXAS, DENYING ATMOS ENERGY CORPORATION'S REQUEST FOR AN ANNUAL GAS RELIABILITY INFRASTRUCTURE PROGRAM ADJUSTMENT FOR CALENDAR YEAR 2004 IN THIS MUNICIPALITY; PROVIDING A REQUIREMENT FOR PROMPT REIMBURSEMENT OF COSTS INCURRED BY THE CITY; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR NOTICE OF THIS ORDINANCE TO ATMOS ENERGY CORPORATION; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

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MOTION: Councilmember Clifford moved to adopt the ordinance. Councilmember Rhode seconded the motion.

VOTE:

Ayes:	Councilmember Honeycutt Councilmember Clifford Councilmember Salinas Councilmember Rhode Mayor Maxwell
Nays:	None
Absent:	Mayor Pro-tem McGraw

ACTION: The motion carried unanimously.

MOTION: Councilmember Honeycutt moved to dispense with the second reading of the ordinance with the unanimous consent of all the Councilmembers present and to adopt the ordinance. Councilmember Salinas seconded the motion.

VOTE:

Ayes:	Councilmember Honeycutt Councilmember Clifford Councilmember Salinas Councilmember Rhode Mayor Maxwell
Nays:	None
Absent:	Mayor Pro-tem McGraw

ACTION: The motion carried unanimously.

*9.A.1. Consider a resolution authorizing the Mayor to execute Change Order No. 2 to the Contract with H. Deck Construction Co. for the Round Rock West Street Improvements Project. This item was approved under the consent agenda.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock has previously entered into a contract ("Contract") with H. Deck Construction for the Round Rock West Street Improvements Project, and

WHEREAS, the Council has determined that it is necessary to make changes to the quantity of work to be performed or materials, equipment, or supplies to be provided, and

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WHEREAS, it has been determined that it is necessary to change said Contract in accordance with the attached Contract Change Order No. 2, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City Contract Change Order No. 2 to the Contract with H. Deck Construction for the Round Rock West Street Improvements Project, a copy of said change order being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 15th day of December, 2005.

*9.B.1. Consider a resolution authorizing the Mayor to execute a grant agreement with the Texas State Library & Archives Commission for a Lone Star Library Grant. This item was approved under the consent agenda.

RESOLUTION NO. _____

WHEREAS, the Texas State Library & Archives Commission has grant funds available through the Lone Star Library Grant, and

WHEREAS, the City Council wishes to enter into a Lone Star Libraries Grant Agreement for the available grant funds for improvements to the library system, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City a Lone Star Libraries Grant Agreement, a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 15th day of December 2005.

9.C.1. Consider a resolution authorizing the Mayor to execute a System Water Availability Agreement for Colorado River Basin Water with the Brazos River Authority. This item was withdrawn from the agenda at the request of staff.

9.C.2. Consider a resolution authorizing the Mayor to execute an Interlocal Agreement for Rehabilitation of Wastewater Collection Lines with the Lower Colorado River Authority. Tom Clark, Utilities Director made the staff presentation. The City is required to inspect, repair, and certify that its wastewater collection system is in compliance with the Texas Commission on Environmental Quality's Edwards Aquifer Recharge Zone Protection Program. LCRA owns and operates a series of regional wastewater collection lines leading to the two wastewater treatment

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plants located within the City. The City has been performing cleaning, inspection, and rehabilitation services to its own lines and to some of the LCRA-owned lines since the inception of the Edwards Aquifer Recharge Zone Protection Program. The elimination of defects reduce inflow and infiltration entering the sewer system, thereby reducing the City's treatment cost to the LCRA and BRA, who own and operate the Brushy Creek Regional Wastewater Treatment Plant and regional collection lines. This interlocal agreement authorizes the City to inspect and rehabilitate the regional wastewater collection system located in the City on behalf of the LCRA, and formalizes the performance and payment duties of both parties for previous as well as future work performed.

RESOLUTION NO. _____

WHEREAS, Chapter 791 of the Texas Government Code, V.T.C.A., authorizes local governments and agencies of the state to enter into agreements with one another to perform governmental functions and services, and

WHEREAS, the City of Round Rock wishes to enter into an Interlocal Agreement for Rehabilitation of Wastewater Collection Lines with the Lower Colorado River Authority, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That subject to approval of the Agreement by the Lower Colorado River Authority the Mayor is hereby authorized and directed to execute on behalf of the City an Interlocal Agreement for Rehabilitation of Wastewater Collection Lines with the Lower Colorado River Authority, a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 15th day of December 2005.

MOTION: Councilmember Rhode moved to approve the resolution. Councilmember Clifford seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt
		Councilmember Clifford
		Councilmember Salinas
		Councilmember Rhode
		Mayor Maxwell
	Nays:	None
	Absent:	Mayor Pro-tem McGraw

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ACTION: The motion carried unanimously.

Mayor Pro-tem McGraw arrived at this point in the meeting.

9.C.3. Consider a resolution authorizing the Mayor to execute a contract with Enviro Remediation Coatings Services, Inc. for the 2004-2005 Wastewater Collection System Rehabilitation Project. Tom Clark, Director of Utilities made the staff presentation. The City is required to inspect, repair, and certify that its wastewater collection system is in compliance with the TCEQ's Edwards Aquifer Recharge Zone Protection Program. The elimination of defects reduce inflow and infiltration entering the sewer system, thereby reducing the City's treatment cost to the LCRA and BRA, who own and operate the Brushy Creek Regional Wastewater Treatment Plant. This contract is for rehabilitating the wastewater collection system located over the Edwards Aquifer Recharge Zone, as well as for the correction of wastewater lines in the non-Edwards areas which represent potential public health and/or safety issues. A portion of the wastewater lines in this contract are owned by the LCRA. Therefore, once an interlocal agreement is executed with the LCRA, they will reimburse the City \$537,432.50 for their portion of the wastewater lines in this contract.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock has duly advertised for bids for the 2004-2005 Wastewater Collection System Rehabilitation Project (Basins CC-37, EW01, OC28-Z, LC14 & BC-01), and

WHEREAS, Enviro Remediation Coating Services, Inc. has submitted the lowest and best bid, and

WHEREAS, the City Council wishes to accept the bid of Enviro Remediation Coating Services, Inc., Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City a contract with 2004-2005 Wastewater Collection System Rehabilitation Project (Basins CC-37, EW01, OC28-Z, LC14 & BC-01).

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 15th day of December 2005.

MOTION: Councilmember Honeycutt moved to approve the resolution. Councilmember Clifford seconded the motion.

VOTE: Ayes: Councilmember Honeycutt

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Mayor Pro-tem McGraw

Councilmember Clifford

Councilmember Salinas

Councilmember Rhode

Mayor Maxwell

Nays: None

ACTION: The motion carried unanimously.

*9.D.1. Consider a resolution authorizing the Mayor to execute an Agreement for Sale of Bulk Mulch with WKP Enterprises dba Austin Landscape Supplies. This item was approved under the consent agenda.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock ("City") desires to sell excess bulk mulch, and

WHEREAS, the City has issued its invitation to bid and has selected the offer to buy submitted by WKP Enterprises dba Austin Landscape Supplies, and

WHEREAS, the City Council desires to enter into an Agreement for Sale of Bulk Mulch with WKP Enterprises dba Austin Landscape Supplies, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City an Agreement for Sale of Bulk Mulch with WKP Enterprises dba Austin Landscape Supplies, a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 15th day of December 2005.

9.E.1. Consider a resolution authorizing the Mayor to execute a Property Tax Abatement Agreement with Toppan Photomasks, Inc. Joe Vining, Executive Director of Community Development made the staff presentation. Toppan Photomasks, Inc. (formerly Dupont Photomasks) is located in Reinvestment Zone No. 19A. Toppan Photomasks will make a \$30 million investment in new technology at their world headquarters site in Round Rock. This will be the third tax abatement agreement with this company.

RESOLUTION NO. _____

WHEREAS, the City Council, on the 13th day of September, 2001, in Ordinance No. G-01-09-13-14D1, created Reinvestment Zone No. 19A in the City of Round Rock, Texas, and

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WHEREAS, in accordance with Chapter 312, Tax Code, V.A.T.S. as amended, the City desires to enter into a tax abatement agreement with Toppan Photomasks, Inc., regarding property located in Reinvestment Zone No. 19A, and

WHEREAS, the Council has determined that all requirements of the guidelines and criteria adopted by Ordinance No. G-04-02-26-7B1 have been complied with, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City a Tax Abatement Agreement with Toppan Photomasks, Inc., a copy of said agreement being attached hereto as Exhibit "A" and incorporated herein.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 15th day of December 2005.

MOTION: Councilmember Rhode moved to approve the resolution. Councilmember Salinas seconded the motion.

VOTE: Ayes: Councilmember Honeycutt

Mayor Pro-tem McGraw

Councilmember Clifford

Councilmember Salinas

Councilmember Rhode

Mayor Maxwell

Nays: None

ACTION: The motion carried unanimously.

9.E.2. Consider a resolution extending the program for license agreements to allow the placement of "Open House" signs in certain city-owned rights-of-way. Jim Nuse, City Manager made the staff presentation. The current sign ordinance is strictly enforced. No signs are permitted in the City owned rights-of-way, except the new-home kiosk. Members of the Real Estate Committee approached the City to request that 'Open House' signs be permitted under the sign ordinance. The realtors believe that, due to the slow economy, limited access to the rights-of-way are necessary for re-sales to compete with new homes. In response to the Real Estate Committee's request, the Council approved a resolution that established a temporary program that allows realtors and homeowners to place Open House signs in specified locations in City rights-of-way for the sole purpose of directing prospective buyers to existing homes offered for

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sale. This agreement not only has helped isolate the bandit signs in the City but also reduce the number of bandit signs. The current resolution expires December 31, 2005. This resolution extends the program and all license agreements until December 31, 2006.

Councilmember Rhode inquired whether the real estate community/agencies have provided measurements on the success of this program. He would like to know if this program has been effective in moving the huge inventory the real estate said was being affected by the sign regulations. Staff will contact the Board of Directors and ask them to poll their members regarding the program to see if it has been successful for the re-sales. In addition, they will be asked to provide data that shows the program is a success.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock ("City") prohibits the placement of signs in the public rights-of-way, and

WHEREAS, the City recognizes that a need exists to direct prospective home buyers to "Open Houses" for existing homes offered for sale within the City, and

WHEREAS, on June 24, 2004 by Resolution No. R-04-06-24-17E3, the City established a temporary program whereby realtors and homeowners were allowed to place Open House signs in specified locations in City rights-of-way for the sole purpose of directing prospective buyers to existing homes offered for sale, and

WHEREAS, on December 2, 2004 by Resolution No. R-04-12-02-9F1, the Council extended the temporary program until December 31, 2005, and

WHEREAS, the Council wishes to again extend the temporary program, and

WHEREAS, City staff has developed a License Agreement for Open House Signs in City Rights-of-Way, which the Council wishes to approve, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That there is hereby established a program whereby realtors and homeowners may place Open House signs in specified locations in City rights-of-way for the sole purpose of directing prospective buyers to existing homes offered for sale, and

IT IS FURTHER RESOLVED

That the City Manager or his designee is hereby authorized and directed to execute on behalf of the City the approved license agreement forms for Open House signs with realtors and homeowners, a copy of same being attached hereto as Exhibit "A", and incorporated herein for all purposes.

IT IS FURTHER RESOLVED

That unless specifically extended by the City Council, this program and all license agreements entered into hereunder, shall expire on December 31, 2006.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 15th day of December, 2005.

MOTION: Councilmember Honeycutt moved to approve the resolution. Mayor Pro-tem

McGraw seconded the motion.

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VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Mayor Maxwell
 Nays: None

ACTION: The motion carried unanimously.

9.E.3. Consider a resolution waiving fees for houses constructed by Habitat for Humanity. Jim Nuse, City Manager made the staff presentation. Habitat for Humanity is a national organization with local affiliates made up of the City's friends and neighbors. They help to provide housing one family at a time through hard work, donation, and sweat equity. The local affiliates have completed one house in Round Rock. They have requested the waiver of impact fees over the coming year for up to four houses. The amount of the fees, if the lot was platted prior to 2005 would be \$4,397 and the lot was platted after 2005 the fee would be \$6,030. The local affiliate qualifies for SHOP Funding (Self-Help Homeownership Opportunity Program) and can request reimbursement for the type of infrastructure they are seeking.

An impact fee waiver requires "substantial economic benefit" to the community. He added that the issue is not whether Habitat for Humanity is a worthy cause or if they provide a substantial good to the community. The question is, "What role will Round Rock take regarding affordable housing?" If the Council desires to provide assistance then how much is allocated; to whom; and funded by which source, General Operations or the Utility.

Affordable housing helps support a local workforce, which is an economic benefit. This benefit can be provided by several methods. If funding is through social service funding, the funding will need to be budgeted and a contract for service will need to be prepared.

Mr. Nuse recommended that the Mayor be authorized to execute the agreement reflecting up to four houses over one year and that Habitat apply for reimbursement from the SHOP funds

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and if funding is received from SHOP to reimburse the City for the fees waived. This recommendation is made because of the following:

- Habitat for Humanity will be a good steward of this resource.
- There is an opportunity for reimbursement of those funds through the SHOP funding.
- The Greater Austin Homebuilders Association has endorsed the Habitat Program and supports the use of the impact funds.

Harry Savio, Executive Vice President of the Home Builders Association of Greater Austin relayed that the Home Builders Association supports the decision of the City to waive the fees for four or five homes in Round Rock over the next one to two years.

Mayor Pro-tem McGraw stated that Habitat for Humanity is an excellent organization and has no concern with the organization but does have a concern on the funding source and of the determination that four houses is a substantial economic benefit. He gave examples of other funding avenues for the request. The Council discussed Mayor Pro-tem McGraw's concern.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock has, in accordance with Chapter 395, Local Government Code, V.A.T.S., adopted water and wastewater impact fees to pay a portion of the cost of constructing capital improvements or facility expansions necessary to serve new development with water and wastewater service; and

WHEREAS, §10.204(10)(e) Code of Ordinances (1995 Edition) provides that the Council by ordinance or resolution may waive or reduce the impact fees for certain classes of development if there is a finding that the proposed waiver or reduction would result in substantial economic benefit to the City; Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS, THAT:

(1) Pursuant to §10.204(10)(e) Code of Ordinances (1995 Edition), the Council hereby determines and finds that waiving the water and wastewater impact fees for single family residences constructed by Habitat for Humanity will result in a substantial economic benefit to the City;

(2) The water and wastewater impact fees adopted in §10.204 Code of Ordinances (1995 Edition) are hereby waived for Habitat for Humanity;

(3) The building permit fee, the water meter fee and the water and sewer line inspection fee shall be waived for Habitat for Humanity;

(4) The aforesaid waiver of fees shall apply to no more than ten residential structures; and

(5) This resolution and waiver of fees shall expire on December 31, 2007, unless extended by action of the City Council prior thereto.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

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RESOLVED this 15th day of December 2005.

MOTION: Councilmember Honeycutt moved to approve the resolution with the amendment of no more than four residential structures instead of ten and the waiver of fees will expire December 31, 2006 instead of December 31, 2007 and that Habitat for Humanity be required to submit a request to SHOP for reimbursement funding. Councilmember Salinas seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
Councilmember Clifford
Councilmember Salinas
Councilmember Rhode
Mayor Maxwell

Nays: Mayor Pro-tem McGraw

ACTION: The motion carried with 5 ayes and 1 nay.

9.E.4. Consider a resolution amending the Economic Development Program Administration and Funding Agreement with the Round Rock Chamber of Commerce. This item was withdrawn from the agenda at the request of staff.

9.E.5. Consider a resolution approving certain infrastructure reimbursements in the Behrens Ranch Public Improvement District. David Kautz, Assistant City Manager made the staff presentation. The Behrens Ranch Public Improvement District (PID) was created in April 2000. A PID is a defined area within the City or ETJ to provide additional services or infrastructure in the defined area and paid for by specific assessments on property within the PID. Infrastructure improvements were made by the Behrens Ranch developer for the PID which includes Wyoming Springs Road, utility improvements and drainage improvements. Assessments are being collected on various classes of properties in the PID such as: open space (formerly proposed golf course), unplatted, platted and certificated lots. Cash is being accumulated in anticipation of servicing debt on proposed developer reimbursement bonds. The developer has requested a partial reimbursement in cash. The PID infrastructure improvements are completed and the cost is

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\$550,000. There is enough value on the ground to support the debt services. In addition, this action by the Council does not obligate the City in any way.

RESOLUTION NO. _____

A RESOLUTION APPROVING CERTAIN REIMBURSEMENTS FOR A PORTION OF BEHRENS RANCH PID IMPROVEMENTS, PROVIDING A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

WHEREAS, On April 27, 2000, the City Council adopted a Resolution which authorized and approved the Creation of the Behrens Ranch Public Improvement District (the "PID"), and

WHEREAS, on December 21, 2000, the City Council adopted Resolution No. R-00-12-21-9B1, which authorized the Mayor to execute a Development Agreement ("Development Agreement") with Behrens Subdivision, Ltd. regarding the Behrens Ranch PID, and

WHEREAS, on February 8, 2001, in Ordinance No. G-01-02-08-8A9, the City Council adopted an Ordinance Levying Assessments for the Cost of Certain Improvements (the "Assessment Order") against real property within the PID, and

WHEREAS, on December 20, 2001, the City Council adopted a Resolution authorizing the creation of an Escrow Agreement ("Escrow Agreement") establishing an Escrow Fund Account ("Escrow Fund") in which PID assessments were to be held in trust solely for the PID, and

WHEREAS, the PID has collected approximately \$590,000 in assessments since January 31, 2002, and

WHEREAS, pursuant to the terms as stated in the Assessment Order, the Escrow Agreement and the Development Agreement, the City desires to reimburse the Developer, Behrens Subdivision N.G., Ltd., or its assigns, for a portion of the cost of certain PID improvements, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

I.

That the Director of Finance is hereby authorized to reimburse to Behrens Subdivision N.G., Ltd., or its assigns, the sum of FIVE HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$550,000.00), pursuant to Section 3 of the Escrow Agreement, Section 3 of the Development Agreement and Section 5 of the Assessment Plan included within the Assessment Order.

II.

As a condition of said reimbursement, the City finds the following:

- 1) That the Developer has submitted a request for this reimbursement, said request being attached hereto and incorporated herein as Exhibit "A";
- 2) No bonds have been issued at this time;
- 3) The City Engineer has determined that the cost of Wyoming Springs Boulevard, a PID improvement, is in excess of \$550,000; and
- 4) The \$550,000 reimbursement does not affect or alter any of the rights, duties and obligations as set forth in the Development Agreement or the Assessment Order.

RESOLVED this 15th day of December, 2005.

MOTION: Mayor Pro-tem McGraw moved to approve the resolution. Councilmember

Rhode seconded the motion.

VOTE: Ayes: Councilmember Honeycutt

Mayor Pro-tem McGraw

Councilmember Clifford

Councilmember Salinas

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Councilmember Rhode

Mayor Maxwell

Nays: None

ACTION: The motion carried unanimously.

SUPPLEMENTAL AGENDA ITEM:

9.E.6. Consider a resolution authorizing the Mayor to execute an Agreement for the Temporary Closure of State Right-of-Way, US 79 and FM 1460, with the Texas Department of Transportation for the RunTex 10 and 20 Milers. Jim Nuse, City Manager made the staff presentation. A Special Events Permit Application was received on August 5, 2005 for a RunTex 20 and 10 Miler. After City Staff reviewed the application, the event was denied due to the route exposing runners to traffic on U.S. 79. RunTex was required to either change their initial route submitted to include only City roads, or receive TxDOT approval for their initial route (which included U.S. 79). RunTex chose to seek TxDOT approval to keep their initial route. This event is scheduled for January 8, 2006 beginning at 7:00 a.m. and ending at 1:30 p.m. Council approval is required for an Agreement with TxDOT for the Temporary Closure of State ROW on U.S. 79 for a RunTex Special Event.

RESOLUTION NO. _____

WHEREAS, the State of Texas, through the Texas Department of Transportation ("TxDOT") owns and operates a system of highways for public use, including US 79 in Round Rock, and

WHEREAS, RunTex, Inc. has made a request to TxDOT that a portion of US 79 from County Road 122 to Harrell Parkway be closed on January 8, 2006 for the RunTexa 10/20 Miler, and WHEREAS, the City Council has determined that the Event will serve a legitimate public purpose, and

WHEREAS, City Council wishes to enter into an Agreement for the Temporary Closure of State Right-of-Way with TxDOT authorizing the closure of US 79 as set forth above, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the RunTex 10/20 Miler will serve a legitimate public purpose, and

BE IT FURTHER RESOLVED

That the Mayor is hereby authorized and directed to execute on behalf of the City an Agreement for the Temporary Closure of State Right-of-Way with the Texas Department of Transportation.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 15th day of December 2005.

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MOTION: Councilmember Honeycutt moved to approve the resolution authorizing the Mayor to execute the agreement upon approval from TxDOT for the use of Highway 79 and not FM 1460. Councilmember Rhode seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Mayor Maxwell
 Nays: None

ACTION: The motion carried unanimously.

9.F.1. Consider a resolution consenting to the owner's request for the naming of a private drive to 'IKEA Way.' Jim Stendebach, Planning Director made the staff presentation. IKEA has requested the naming of a private drive within the East Chandler Retail Center Plat (IKEA/Endeavor Plat) to IKEA Way. IKEA would like its official street address to be assigned on IKEA Way. The adoption of an ordinance will officially name the private drive and will allow the street to become eligible for 911 services. IKEA Way will remain a private drive.

RESOLUTION NO. _____

WHEREAS, the owner of the private drive shown on the attached Exhibit "A" has requested that said private drive be named IKEA Way; and

WHEREAS, the City Council desires to consent to such request; Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS:

That consent is granted for the private drive shown on the attached Exhibit "A" to be named "IKEA Way."

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 15th day of December, 2005.

MOTION: Mayor Pro-tem McGraw moved to approve the resolution. Councilmember Clifford seconded the motion.

VOTE: Ayes: Councilmember Honeycutt

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Mayor Pro-tem McGraw

Councilmember Clifford

Councilmember Salinas

Councilmember Rhode

Mayor Maxwell

Nays: None

ACTION: The motion carried unanimously.

9.F.2. Consider a resolution directing the Planning Director to prepare a service plan concerning the annexation of 496.084 acres of land out of the Joseph Marshall and P.A. Holder Surveys. (Harris/Bison/ Telander/Keller/Krienke/Elrod/Reid Tract) Jim Stendebach, Planning Director made the staff presentation. The tract of land known as Harris/Bison/Telander/Keller /Krienke/Elrod/Reid Tract is a total of 496.084 acres located on the south side of US HWY 79 directly west of the LCRA Wastewater Treatment Plant. It is adjacent to single family residential development and a mixed-use planned unit development to the south. It is the city's desire to annex this tract in order to control the development along this portion of US HWY 79, which is considered a major east/west corridor into the city. These tracts of land are located within the City of Round Rock's ETJ and Williamson County. Two public hearings are scheduled to be held on Thursday, January 26, 2006 and Monday, January 30, 2006.

RESOLUTION NO. _____

WHEREAS, Section 43.065(a) of the Texas Local Government Code requires that, within certain specified statutory timeframes, the City Council of the City of Round Rock must direct the City's Planning Director to prepare a service plan that provides for the extension of full municipal services to the areas which are proposed for annexation, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the City Council hereby directs the City's Planning Director to prepare a service plan that provides for the extension of full municipal services to the following area proposed for annexation, said property being further described in Exhibit "A" attached hereto and incorporated herein for all purposes:

(1) Harris/Bison/Telander/Keller/Krienke/Elrod/Reid Tract (496.084 acres).

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

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MOTION: Councilmember Honeycutt moved to approve the resolution. Councilmember Salinas seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Mayor Maxwell
 Nays: None

ACTION: The motion carried unanimously.

9.F.3. Consider a resolution to adopt Minor Home Repair Program Policies and Procedures under the Community Development Block Grant Rehabilitation Program. Mona Ryan, Community Development Coordinator made the staff presentation. The Minor Home Repair Program is a Community Development Block Grant rehabilitation program available to income eligible homeowners of Round Rock. Because of liability, it is important that policies are formally adopted by City Council. This document has been reviewed and recommended for adoption by the Community Development Advisory Commission at their January 6, 2005 meeting.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock has applied for and received funds from the United States Government under Title I of the Housing and Community Development Act of 1974, Public Law 93-383, and

WHEREAS, the Minor Home Repair Program is a Community Development Block Grant rehabilitation program available to income eligible homeowners in Round Rock, and

WHEREAS, the City Council wishes to adopt the Minor Home Repair Program Policies and Procedures, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That Minor Home Repair Program Policies and Procedures, attached hereto as Exhibit "A" and incorporated herein for all purposes, are hereby approved and adopted.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

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MOTION: Councilmember Rhode moved to approve the resolution. Councilmember Clifford seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Mayor Maxwell
 Nays: None

ACTION: The motion carried unanimously.

*9.F.4. Consider a resolution authorizing the Mayor to execute a Community Development Block Grant Agreement with Round Rock Housing Authority for low income housing program activities for \$1,500. This item was approved under the consent agenda.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock has applied for and received funds from the United States Government under Title I of the Housing and Community Development Act of 1974, Public Law 93-383, and

WHEREAS, the City of Round Rock wishes to engage the Round Rock Housing Authority to assist the City in utilizing said funds, and

WHEREAS, the City Council desires to enter into a Community Development Block Grant Agreement with the Round Rock Housing Authority for low income housing program activities, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City, a Community Development Block Grant Agreement with the Round Rock Housing Authority for low income housing program activities, a copy of said agreement being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 15th day of December, 2005.

*9.F.5. Consider a resolution authorizing the Mayor to execute a Community Development Block Grant Agreement with Round Rock Housing Authority for playground

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improvements at the Lance Haven facility for \$4,000. This item was approved under the consent agenda.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock has applied for and received funds from the United States Government under Title I of the Housing and Community Development Act of 1974, Public Law 93-383, and

WHEREAS, the City of Round Rock wishes to engage the Round Rock Housing Authority to assist the City in utilizing said funds, and

WHEREAS, the City Council desires to enter into a Community Development Block Grant Agreement with the Round Rock Housing Authority for playground improvements at the Lance Haven facility, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City, a Community Development Block Grant Agreement with the Round Rock Housing Authority for playground improvements at the Lance Haven facility, a copy of said agreement being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 15th day of December, 2005.

COUNCIL COMMENTS: None

EXECUTIVE SESSION:

11.A. Executive Session as authorized by \$551.072 Government Code, related to an offer of the owner of Forest Creek Country Club to sell same to the City. The Council recessed to the Executive Chamber for the Executive Session. Mayor Maxwell called the Executive Session to order at 9:25 p.m. and adjourned at 9:50 p.m. The Council returned to the City Council Chamber for adjournment with no discussion or action occurring.

ADJOURNMENT:

There being no further business, the meeting adjourned at 9:51 p.m.

Respectfully Submitted,

Christine R. Martinez, City Secretary